

DIVISION VI: FAMILY LAW

CHAPTER 11 - GENERAL

RULE 11.0 FAMILY LAW DEPARTMENT RULES AND PROCEDURES

All Family Law Actions and Proceedings filed in the Superior Court of California, County of Alameda are governed by this Chapter 11.

1. Assignment of Actions:

The Superior Court of California, County of Alameda will designate certain departments as Family Law Departments from time to time. All proceedings filed in the following matters shall be heard in these departments:

A. Family Law Act, Family Code Sections 1-2000, Sections 2001 to 2452, 250 - 2660, 3000-3204, 3500-4749;

B. Uniform Divorce Recognition Act, Family Code Sections 2090-2093;

C. Uniform Child Custody Jurisdiction Act, Family Code Sections 3400-3425;

D. Uniform Parentage Act, Family Code Sections 7600-7730;

E. Domestic Violence Prevention Act, Code of Civil Procedure Sections 6200 et seq.;

F. Child Support Petitions, Family Code Sections 7600-7730.

G. Uniform Interstate Family Support Act, Family Code sections 4900-4976;

H. Post-dissolution actions involving omitted or reserved property issues;

I. Non-marital property actions consolidated for trial with Family Law Act actions;

J. Contested Guardianship of the Person of a Minor;

K. Enforcement of Sister State and Foreign Family Law Judgments.

These proceedings include the following:

- (1) Order to Show Cause or Motion Re Temporary Child Custody, Temporary Child Support, Temporary Spousal Support, Visitation, Injunctive Relief, Other Relief, Attorney Fees and Costs, Sanctions and related matters;
- (2) Motion, Order to Show Cause or Stipulation for Modification of an Existing Order or Judgment;
- (3) Order to Show Cause Re Contempt;
- (4) Discovery;
- (5) Motion on Reserved Issues;
- (6) Ex Parte Application;
- (7) Request for Restraining Order;
- (8) Motion to Quash Service or Dismiss Proceeding;
- (9) Motion to Vacate or Set Aside Judgment;
- (10) Motion to Quash or Stay Writ of Execution;
- (11) Motion for Bifurcation; if Status only, for Trial for Judgment of Dissolution at Time of Hearing to Bifurcate Status;
- (12) Motion for Joinder;
- (13) Motion to Strike Joint Status Report
- (14) Motion to Strike Settlement Conference Statement;
- (15) Motion for Change of Venue;
- (16) Motion to Amend Pleading;

- (17) Motion to Consolidate a Non-Marital Property Action with a Family Law Act Action;
- (18) Motion to Establish Valuation Date;
- (19) Motion to Advance, Continue or Drop a Hearing, Settlement Conference or Trial Date;
- (20) Motion to Withdraw as Attorney;
- (21) Settlement Conference;
- (22) Trial;
- (23) Post-Hearing or Post-Trial Motion for Enforcement of Order of Judgment;
- (24) Motion or Ex Parte Application for Wage Assignment;
- (25) Motion for Judgment;
- (26) Notice of Motion for Judicial Review of License Denial

2. Family Law Discovery:

A. Family Law discovery motions shall be heard in the department to which the action is assigned on such calendar as the judge designates.

B. Family Law discovery motions shall be subject to the provisions of C.C.P. 2016 et seq. and California Rules of Court, Rule 301 et seq.

C. Family Law discovery motions may not be filed as part of an order to show cause or motion raising other issues.

3. Conduct of Hearings on Orders to Show Cause and Notice Motions; Filing Requirements and Contents of Pleadings:

A. Prior to the date of the hearing, the attorneys and the parties shall meet and confer (by telephone and/or in person) in good faith to review the issues pending before the Court and to inspect documents and exchange information in order that issues may be resolved, facts may be agreed to by stipulation, and those issues remaining may be clearly delineated and presented to the Court at the time of hearing. In the Court's discretion, it may refuse to admit in evidence documents and information not exchanged prior to the hearing. When the hearing is called, the attorneys for the parties shall advise the Court what issues have been settled by agreement and what issues remain contested.

B. All pleadings in Family Law matters shall be in the form prescribed by Rule 1225 of the California Rules of Court.

C. The application for order and supporting declaration and such other declarations in support of the relief requested shall set forth in full all facts upon which the moving party relies in support of the relief requested. The Responsive Declaration to the Order to Show Cause or Notice of Motion and such other declarations in support of the party's response shall set forth in full all facts upon which the responding party relies. If tax returns, wage stubs and/or bank or other financial records are attached as exhibits, social security numbers and all but the last four digits of account numbers shall be redacted; unredacted copies shall be brought to the hearing. In the best interests of children in custody and visitation proceedings, matters of a sensitive or inflammatory nature shall be alleged generally.

D. As provided by statute, a fully completed, current Income and Expense Declaration shall be filed by each party in all hearings involving requests for support, attorney fees, or other financial relief. Each party shall bring to the hearing copies of wage stubs or other documents reflecting evidence of income for the preceding three months and a copy of the party's most recent State and Federal income tax returns, whether individual or joint. If a party is receiving Cal-Works, TANF or Medical, that fact shall be disclosed in the Declaration, and the

Department of Child Support Services for the applicable county shall be notified at least twenty-one (21) days prior to the hearing unless such notice is shortened by the Court.

E. Subject to legal objection and cross-examination where appropriate (See *Reifler v. Superior Court* (1974) 39 Cal. App. 3d 479), all declarations shall be considered received in evidence at the hearing. Direct examination on factual matters will not be permitted except in the Court's discretion in unusual circumstances or for proper rebuttal. The Court may decide contested issues solely on the basis of the Application, the Responsive Declaration, supporting declarations and memoranda of points and authorities submitted by the parties.

F. On a motion or Order to Show Cause to Modify a prior Order, the moving party shall furnish a copy of the prior Order with the moving papers. On an Order to Show Cause and Declaration for Contempt, the moving party shall furnish a copy of the Order allegedly violated.

G. A request for continuance shall be made by noon two court days prior to the hearing. A request for continuance at the time of the hearing shall be looked upon with disfavor and the court may impose a \$100 sanction for such a request. Once a matter has been set for hearing, no more than two continuances shall be granted by the Family Law Division, and, in the absence of good cause, the matter shall be dropped from the calendar.

H. If any matter is continued or set for review three (3) months or longer from the prior hearing, each party shall file and serve a declaration of contested issues at least ten (10) days prior to the hearing. Said declaration shall include any change in circumstances since the last hearing and if the change in circumstances relates to financial issues, an updated Income and Expense Declaration or Simplified Financial Statement shall be filed and served with the declaration. Failure to provide the declaration of financial information may result in the matter being dropped, continued, or heard at the end of the calendar, if time permits.

I. If service is not timely effected, a new hearing date may be obtained from any Family Law Division and an Order to Show Cause may be re-issued by filing the Application and Order for Reissuance of Order to Show Cause (Judicial Council Form FL – 306/JV – 251).

J. Moving and responsive pleadings shall be filed directly with any Family Law Division in the Clerk's office (and not in the courtroom) in any family law action pending in Alameda County. Additional pleadings by the moving party and responsive pleadings by the responding party shall be served and filed in accordance with the Rules of Court no less than five days prior to the hearing unless the time for filing of such pleadings has been shortened by court order. The Court, in its discretion, may refuse to consider papers not filed in compliance with this rule.

4. Voluntary Settlement Conference

A. In order to promote the early disposition of Family Law actions and to reduce the cost of Family Law litigation, the Family Law Departments of the Superior Court have adopted a voluntary settlement conference procedure. Voluntary participation in this procedure shall be in a good faith attempt to settle the contested issues presented to the Court only after the parties have attempted to settle the issues themselves and when the parties are prepared fully to discuss the issues with the Court. This procedure shall not be used as a substitute for discovery, settlement discussions between the parties or preparation for a formal settlement conference or trial.

B. In order to participate in this procedure, the parties shall file in the department to which the action is assigned a Joint Request for Voluntary Settlement Conference, which shall provide as follows:

- (1) If the action is calendared for settlement conference and trial, specify the dates and times for the settlement conference and trial. If the action is not calendared for settlement conference and trial, so state.
- (2) Prior to the filing of the Joint Request, the parties met and conferred in a good faith effort to settle the contested issues, and the probability of settling any remaining contested issues is substantial with the assistance of the Court in a Voluntary Settlement Conference.
- (3) A summary statement of the contested issues and the respective positions of the parties on these contested issues.
- (4) A statement that discovery has been completed on the contested issues.
- (5) The parties and the attorneys are available for a Voluntary Settlement Conference at 1:30 p.m. on the following dates: (Specify dates)

C. After the Joint Request is filed, the action shall be set by the Family Law Department and the parties notified.

D. The parties and their attorneys shall attend the Voluntary Settlement Conference, unless an appearance is excused by the Court before the conference.

5. Mandatory Settlement Conference and Trial:

A. Purpose of Rules and Duties of Attorneys: The purpose of these rules is to insure that contested Family Law matters are thoroughly prepared and expeditiously processed and to avoid using the trial itself as a vehicle for what should be pretrial deposition, discovery and settlement procedures. Pursuant to Rule 11.7, and except for good cause shown, the Court shall impose a sanction in the amount of \$200.00, if an attorney or a party fails to comply with the provisions of these rules regarding meetings and contents of statements. Unless otherwise ordered, the sanction shall be paid to the Court. This sanction is in addition to any other sanction the Court may impose pursuant to Rule 11.7

B. There shall be no distinction between long cause and short cause matters.

C. An At-Issue Memorandum and the proof of service of preliminary declaration of disclosure shall be filed and served before any contested case may be set for settlement conference and for trial.

D. A mandatory settlement conference shall be held in all contested cases. Each party and the attorney who will try the case for each party shall personally attend the settlement conference, unless an appearance is excused by the Court prior to the conference.

E. A settlement conference or a trial may be continued only by order of Court and the payment of the continuance fee.

F. Joint Statement of Agreed and Contested Issues, Separate Settlement Conference Statement:

- (1) No later than thirty days before the settlement conference, the attorneys and the parties shall meet and confer in good faith to settle all issues on a case.
- (2) If the parties and their attorneys elect to file a Joint Statement of Agreed and Contested Issues, it shall be filed and served no later than four (4) days before the settlement conference.
- (3) On contested issues, the Joint Statement shall set forth separately for each party the information required for a Separate Settlement Conference Statement in accordance with these rules.
- (4) If the parties are unable to agree on a Joint Statement, each party shall file and serve a Separate Settlement Conference Statement in accordance with these

rules. For all Family Law Departments, separate settlement conference statements must be filed not later than four court days prior to the settlement conference.

- (5) The time for filing a Joint Statement, a Separate Settlement Conference Statement or an Amendment to either may be extended only by order of Court.

G. Contents of Joint Statement on Contested Issues and Separate Settlement Conference Statement:

The Joint Statement on Contested Issues, the Separate Settlement Conference Statement and any amendment shall be in the form prescribed by these Rules, and they shall contain the information set forth in the following numbered paragraphs, if applicable, and, if not applicable, the Statement shall reflect that a numbered paragraph is inapplicable. A Statement shall set forth in the caption the date and time of the Settlement Conference and trial. The Court, in its discretion, may refuse to accept a Statement that does not comply with the following format:

- (1) **Joint Statement Compliance:**
 - (a) If the parties have failed to prepare and file a Joint Statement in accordance with these rules, summarize attempted compliance activity including dates of meetings or discussions and total time spent in attempted compliance.
 - (b) Summarize Uncontested Issues.
- (2) **Statistical Facts:**
 - (a) Date of marriage; date of separation; length of marriage in years and months.
 - (b) Number and ages of minor children.
 - (c) Ages of parties.
 - (d) Issues as to statistical facts.
 - (e) A complete statement setting forth all material facts upon which a party relies on any contested issue regarding statistical facts.
- (3) **Child Custody and Visitation:**
 - (a) Existing custody and visitation status.
 - (b) Proposal for custody and visitation and all material facts in support of the proposal.
- (4) **Child Support:**
 - (a) Existing Order for Child Support.
 - (b) Proposal for child support setting forth the gross and net monthly income and expenses of each party.
 - (c) All material facts in support of any unusual circumstances regarding income, expenses, or ability to earn income.
- (5) **Spousal Support:**
 - (a) Existing Order for Spousal Support.
 - (b) Proposal for spousal support setting forth the gross and net monthly income and expenses of each party.
 - (c) A full analysis of the material facts of the case as they relate to the factors set forth in Family Code Section 4320.
- (6) **Statement of Contested Property Issues:**
 - (a) List each item of property, real or personal, and for each item of property furnish the following information, if relevant to the contested issue:

- (i) The date it was acquired;
 - (ii) The manner in which title is vested;
 - (iii) Whether it is community property, separate property, a mixture of the two or quasi-community property;
 - (iv) All material facts and law in support of the party's characterization of the property as either community property, separate property, a mixture of the two, or quasi-community property;
 - (v) The current fair market value of the property, the nature, extent and terms of any encumbrance against the property and the current net equity in the property;
 - (vi) A complete statement setting forth the factual and legal basis for apportionment or reimbursement, the formula for apportionment or reimbursement and the value of each party's community and separate property interests.
- (7) **Debts or Obligations:**
- (a) All debts or obligations of the parties that are liabilities of the community and debts or obligations of the parties that are separate liabilities of the respective parties. State the name of the creditor, the balance due on the date of separation, the current balance and the nature, extent and terms of any security for the debt.
 - (b) If there is a claim for reimbursement, list the name of the creditor, the total amount paid, the source from which payment was made and whether the payment was made after the date of separation.
 - (c) Summarize any Existing Order for Reimbursement.
- (8) **Attorney's Fees, Expert's Fees, and Costs:**
- (a) Summarize any Existing Orders.
 - (b) Amounts paid by a party on account of the other party's attorney's fees, expert's fees and costs and balances due for such fees and costs.
 - (c) Amounts paid by party on account of his or her attorney's fees, expert's fees and costs and balances due for such fees and costs.
- (9) **Documents, Schedules, Summaries and Expert Reports:**
- (a) Attach copies of all appraisals and reports of experts to be offered at the time of trial.
 - (b) List and describe all documents, schedules or summaries to be offered at the time of trial.
 - (c) In the numbered paragraph of the Statement which a document, schedule, summary, expert report or appraisal is relevant, provide a brief statement summarizing its contents and purpose.
 - (d) Failure to comply with this provision may result in an order precluding the document, schedule, summary, report, appraisal or testimony of the expert from being admitted into evidence at the time of trial.
 - (e) Set forth the name and business address of any expert witness whom a party intends to call at the time of trial.
 - (f) In the numbered paragraph of the Statement to which the testimony is relevant, provide a brief statement setting forth the substance of the testimony.

(10) **Documents, Schedules, Summaries and Non-Expert Witnesses:**

- (a) Set forth the name and address of any other witness whom a party intends to call at the time of trial.
- (b) In the numbered paragraph of the Statement to which the testimony is relevant, provide a brief statement setting forth the substance of the testimony.
- (c) Failure to comply with this provision may result in an order precluding the testimony of the witness at the time of trial.

(11) **Points and Authorities; Legal Argument:**

- (a) All Points and Authorities or legal argument on which a party intends to rely shall be set forth in the numbered paragraph of the Statement to which they are relevant.

(12) **Income and Expense Declaration:**

- (a) A current Income and Expense Declaration in accordance with Rule 1285.50 of the California Rules of Court shall be completed as to each item and attached to the Statement. A party may not rely on a previously filed Income and Expense Declaration.

(13) **Property Declaration:**

- (a) A current Property Declaration (Family Law) and necessary Continuation Declarations in accordance with Rules 1285.55 and 1285.56, California Rules of Court, shall be completed and attached to the Statement.

H. Expert Witnesses:

- (1) A party intending to produce evidence at the time of trial through the testimony of an expert witness must disclose the following information to the other party at least thirty days before trial:
 - (a) Name of the expert;
 - (b) Business address of the expert;
 - (c) Statement of qualifications of the expert;
 - (d) The issue upon which the expert will offer testimony.
- (2) If an expert is retained by a party less than thirty days prior to trial, the information set forth in paragraph (1) above shall be provided to the other party forthwith but no later than fifteen days before trial.
- (3) Any written report of an expert who will testify at the trial shall be delivered to the other party as soon as it becomes available no later than fifteen days before trial.
- (4) If the written report of the expert is provided to the other party less than thirty days before trial, the party providing the report shall make the expert available for deposition at a mutually acceptable time prior to the Settlement Conference.
- (5) This rule is in addition to the procedures available to the parties pursuant to Code of Civil Procedure Sections 2034 et seq. and the requirements of the Joint Statement or Settlement Conference Statement pursuant to these rules.

6. Request for Signed Orders:

A. An Order to Show Cause, an Order Shortening Time, or a Request for a Domestic Violence Temporary Restraining Order delivered to the Family Law Division assigned to the appropriate department before 10:00 a.m. each day may be picked up at 3:30 p.m. that day if the

business of the Court allows. Any of these documents delivered for signature to a department after 10:00 a.m. may normally be picked up the following day at 11:30 a.m. The Court will not depart from these Rules for the signing of these documents except in an actual emergency.

B. A request for any other Temporary Restraining Order or an Ex Parte Order may be picked up by 3:30 p.m. following compliance with the time restrictions set forth in Rule of Court 379 and Alameda County Local Rule 11.07 below.

7. Applications for Ex Parte Orders or Early Hearing Dates and Orders Shortening Time:

A. Applications for Ex Parte Orders and Orders Shortening Time shall be presented to the Family Law Division in the courthouse where the action is currently pending for presentation to the judicial officer to whom the matter is assigned. If that judicial officer is not available then the application shall be presented to the judicial officer assigned the unavailable judicial officer's Ex Parte application responsibilities. If the application is part of an initial filing, it may be filed in any courthouse in the county for review by the judicial officer designated to consider such applications and thereafter assigned to the appropriate judicial officer in accordance with these rules. An order shall issue only if it is accompanied by a declaration adequate to support its issuance under Family Code Section 240, 2045 and 7700 et seq. Nothing in this rule shall prevent the filing of Applications for Ex Parte Orders or Orders Shortening Time in a Family Law Division other than the Family Law Division designated above, provided that it is routed to the Domain System Work Queue of the Judicial Officer to whom the matter is assigned or to the Judicial Officer that is designated the assigned Judicial Officer's responsibility if he or she is unavailable. The application, the declaration, and the proposed order shall be in the form prescribed by the California Rules of Court.

A Declaration in Support of an Application for an Ex Parte Order or an Early Hearing Date and Order Shortening Time shall state particular facts within the declarant's knowledge in support of the relief requested. This shall include the date, time, place, and persons present at any alleged act described in the declaration. A brief statement of ultimate facts or conclusions shall be inadequate for the requested relief. A Declaration in Support of an Order Excluding a Party from the Family Residence shall include a statement of the present residence address of each party unless good cause exists for its omission. An Application for an Ex Parte Order shall also contain a statement as to why a noticed hearing with an Order Shortening Time is not sufficient for the relief requested.

B. Notice: Unless notice of the application for Temporary Restraining Orders would frustrate the purpose of the order or would place the applicant or others in danger or cause irreparable harm, the moving party shall give twenty-four (24) hours' notice to the other party so that the other party shall have an opportunity to present opposing declarations. In accord with Rule of Court 379, the twenty-four hour period commences to run at 10:00 a.m. following the time when the opposing party or counsel is served personally or by facsimile with a copy of the application and proposed order together with all supporting declarations and exhibits. Service by facsimile shall be deemed complete upon transmission, provided such service is completed within the hours of 9 a.m. to 5 p.m. on court days. Otherwise, it shall be deemed completed at the beginning of the next court day.

The moving party shall provide proof of notice, including time, date, method of service, source of facsimile number and facsimile number, if served by facsimile, and address of other party, if personally served.

The application must be accompanied by a *Declaration re: Notice Upon Ex Parte*

Application For Orders in the form contained on pages 11-10 and 11-11.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

In re Marriage of:

Case No.:

Petitioner,
and

Respondent.

DECLARATION RE: NOTICE UPON
EX PARTE APPLICATION FOR ORDERS

DATE OF SERVICE:

TIME OF SERVICE:

METHOD OF SERVICE:

_____/

I, _____, declare the following:

1. I am an attorney of record for Petitioner/Respondent in the within action.
2. Pursuant to local rules of Court, I have given notice of the present application for ex parte orders to _____ in the following manner:

_____ (a) by letter (mailed/personally delivered) at _____ (a.m./p.m.) on _____.
(Attach proof of service.)

_____ (b) by transmittal via facsimile at _____ a.m./p.m. on _____, 200__, to facsimile number _____ which I know to be the facsimile number of the person served because _____.

(Attach a copy of transmittal report.)

3. I have received the following response to said notice (describe):

4. I have not given notice of the present application for ex parte Orders for the following reason(s) indicated:

_____ (a) Notice of this ex parte application would frustrate the purpose of the orders sought herein for the following reason(s):

_____ (b) The applicant would suffer immediate and irreparable harm before the adverse party could be heard in opposition for the following reason(s):

_____ (c) I made the following reasonable and good faith efforts to notify the adverse party and further efforts to give notice would probably be futile or unduly burdensome (describe in detail):

_____ (d) Other (describe in detail): _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and this declaration was executed on _____, 200__ at _____, California.

Attorney for Petitioner/Respondent

8. Miscellaneous Provisions:

A. After a trial or hearing, the party directed by the Court shall prepare the Judgment or Order in accordance with the Court's decision within 30 days and submit it to opposing counsel or if there is no opposing counsel to the party under the legend "Approved as Conforming to the Court's Order." If not so approved, the preparing party shall submit it to the Court with a cover letter explaining why it is submitted without such approval and showing that a copy of the letter has been sent to opposing counsel or (if no attorney) party.

B. A Judgment or Order for child custody, child support or spousal support shall set forth in full all the terms of the Order, including commencement and termination dates of a support order, in the body of the Judgment or Order, and such terms shall not be incorporated by reference from an agreement or other document. It shall also comply with the requirements of Family Code Section 3048.

C. Attorney's fees, expert's fees and costs pursuant to statutes and current case law shall be awarded at the earliest stage in a Family Law proceeding and throughout the succeeding stages of the proceeding to insure that each party shall enjoy effective representation and equal access to the Court for a just and expeditious resolution of the action.

- (1) If at any time during the course of Family Law proceedings a party is requesting attorney's fees, the party shall set forth the amounts received by the requesting party from the other party and the additional amounts requested. If the request exceeds \$1,000 for attorney's fees, it must be supported by a declaration by the attorney for the party setting forth the nature and extent of professional services rendered and the attorney's most recent statement of account to the party.
- (2) If a party is requesting expert's fees, the party shall set forth the amount incurred for the expert, the amount paid to the expert, the source of the payment and a balance due. If the request exceeds \$1,000, it must be supported by a declaration by the expert who has rendered the services setting forth the nature and extent of the services rendered and the total fees incurred.
- (3) If the request is for costs, it must be supported by a declaration setting forth the nature and the amount of the costs incurred.

D. A Judgment or Order which refers to another Judgment or Order for its provisions shall set forth those provisions in full and shall not incorporate them by reference or attach them as an exhibit.

E. A Judgment affecting an interest in real property shall contain the street address of the property, the Assessor's parcel number, and if required to completely and fully identify the property, or at the option of the parties, the legal description of the property.

F. Unless otherwise specified, temporary Orders shall remain in effect until the time of trial or further Order of Court.

G. Applications for issuance of Writs of Execution in Family Law proceedings shall be submitted to the judicial officer to whose calendar the case is assigned.

H. Applications for Waivers of Filing Fees shall be processed in accordance with the procedures established at each individual courthouse within the County.

I. A Judgment or Order containing a restraining order on conduct shall recite the expiration date of the restraint.

(Effective 5/19/98; Amended 7/1/99, 1/1/04, and 7/1/04)

RULE 11.1 FILING PAPERS

In any family law action whether new or pending in Alameda County, all papers (except those papers regulated by rule 11.0.7 concerning Ex Parte Orders, etc.) sent to the Court for filing for any hearing shall be filed in the Clerk's Office in any Family Law Division. (*Effective 5/19/98; Amended 1/1/04*)

RULE 11.2 GUIDELINE FOR SPOUSAL SUPPORT

The court has adopted a guideline for temporary spousal support. This guideline is discretionary for use in determining temporary spousal support in appropriate cases. If the amount produced is a negative number, then spousal support is zero.

1. In cases where there is no child support, the guideline shall be 40% of the net income of the pay or minus 50% of the net income of the payee.

2. In cases where there is to be child support, use the components set forth in Family Code section 4055-4069 in the following formula:

$$SS = [HN - (HN) (M) (K) (1 + H\%)] [.35] - \\ [LN - (LN) (M) (K) (1 + H\%)] [.4]$$

(If H% is greater than 50%, use 2-H% instead of 1+H%)

(M = Fam. C sec. 4055 (b) (4) child multiplier.)

(*Effective 5/19/98*)

RULE 11.3 CHILD CUSTODY, VISITATION

All proceedings relating to the custody or visitation of children shall be governed by the following rules:

1. Parties shall make a good faith effort to arrive at an agreement regarding child custody or visitation before contacting the Families and Children's Bureau Alternative Dispute Resolution Services and before the court hearing.

2. **Mediation:** If there is disagreement over child custody or visitation in the matter before the Court, this issue must be submitted to mediation before the court hearing.

A. Upon the filing or service of the Order to Show Cause or Notice of Motion, an appointment for mediation with a custody mediator shall be arranged.

B. If the parties have already reached an agreement regarding custody or visitation, they need not contact the Families and Children's Bureau Alternative Dispute Resolution Services.

3. **Conduct of Mediation:**

A. In any mediation pursuant to Family Code Sections 3160-3165, (General Provisions), 3170-3173 Availability of Mediation) and 3175-3188 (Mediation Proceedings) the mediator may make an oral or written recommendation as requested by the Court, and, at the request of a party or attorney upon reasonable notice, the mediator shall be subject to cross-examination. Reasonable notice shall be given in writing and shall be given as soon as either party has knowledge that testimony will be required.

B. All mediation proceedings shall be held in private, and all communications from the parties to the mediator shall be deemed official information within the meaning of Evidence Code Section 1040. The mediator may exclude attorneys from the

mediation proceeding in the sole discretion of the mediator. In the absence of an agreement between the parties, the mediator may make a recommendation to the Court as to the custody or visitation issue including, if appropriate, a recommendation for an evaluation pursuant to Family Code Section 3110-3118.

4. Mediation Complaint Process: The procedure for processing a complaint concerning a Family Court Services counselor shall be as follows:

A. A person having a complaint regarding the professional conduct of a mediator may discuss the matter with the mediator before pursuing it as provided further in this rule.

B. If the matter is not resolved with the mediator, the complainant may register the complaint verbally or in writing with the Supervising Counselor. The Supervising Counselor will make a record of the complaint and will respond to the complainant within three business days by telephone, if possible, or letter acknowledging receipt of the complaint.

C. Within ten business days of receipt of the complaint, the Supervising Counselor will review the matter, confer with the mediator, and as appropriate, resolve the matter directly with the complainant. The Supervising Counselor will confirm the resolution of the matter with the complainant by calling or writing to the complainant with the results of his/her review and determination.

D. Complainant may appeal the Supervising Counselor's action in writing to the Chief of the Families & Children's Services Bureau, who will, as appropriate, refer the complaint to the Bureau's Policy and Procedure Review Committee for review and recommended action. The Bureau Chief will acknowledge, in writing, receipt of the complaint within five business days of receipt.

E. The Policies and Procedural Review Committee will review the complaint within the next 10 business days and make a recommendation for action to the Bureau Chief. The Bureau Chief will respond in writing to the complaint within the next 10 business days. The complainant may appeal the action of the Bureau Chief in writing, to the Court's Executive Officer who will rule in writing on the complaint within 15 business days.

(Effective 5/19/98; Amended 1/1/04)

RULE 11.4 CHILD CUSTODY EVALUATIONS

1. Evaluations Court Ordered: The Court shall order all child custody and visitation evaluations and evaluators will be appointed under Evidence Code Section 730. The Court reserves the right to refuse to consider evaluations that have not been approved and ordered by the Court. Court ordered child custody evaluations shall be conducted in accordance with California Rules of Court, Rule 5.220.

2. Custody Evaluation Witness Lists: Within 15 days of an order for an evaluation, each party shall submit to the evaluator the name, address, and telephone number of each person a party requests to be interviewed in connection with the evaluation, and a summary of the relevant information each person possesses. The evaluator is not bound to interview any such person, and may use his or her judgment in determining whether to interview each person. The Court may in its discretion prohibit a party from calling as a witness any person whose name, relevant information and expected testimony have not been given to the evaluator.

3. Custody Evaluator Selection: In the event that the parties cannot agree upon an evaluator, the Court may ask Family and Children's Bureau for a recommendation, or may solicit names of potential evaluators from the parties, when selecting a private evaluator.

Insofar as possible, the selected evaluator will be one agreed upon by both parties. In the instance of lack of agreement between the parties, or in the instance of the Court's interest in the particular expertise of an evaluator for the family, the Court will select the evaluator. An evaluator shall not be eligible for selection unless he or she meets the qualifications set forth in the provisions of Family Code §3110.5 and California Rules of Court, Rule 5.225.

In the rare instance where a staff member of the Family and Children's Bureau is ordered to evaluate, the Supervising Counselor will select the evaluator. Parties may inform the Supervising Counselor of any special needs or requirements of the evaluator.

4. Scope of the Evaluation: Scope of the Evaluation: In the interest of saving parties time, expense and stress, the evaluation may be limited in scope to the question or questions that the Court requires answered or those questions agreed upon by the parties.

5. Challenge of the Evaluator: (CRC Rule 5.220(d)(1)(ii)). No peremptory challenge of evaluators shall be allowed. Parties may raise objections to a specific evaluator during the selection process. Parties may object to the conclusions of the report when the report is submitted to the Court, and may bring other appropriate expert testimony to object to the conclusions.

6. Information from Children: (CRC Rule 5.220 (d) (1) (C)). The Court relies on the judgment of its experts in making decisions about when, how often, and under what circumstances children are interviewed. The expert shall be able to justify the strategy used in any particular case. Except in extraordinary circumstances, including the potential for danger to a child, children will be informed that the information provided by a child will not be confidential.

7. Impartial Expert: The Court appointed evaluator shall be impartial. Evaluations should include interviews of both parents and/or guardians. Exceptions to this may include geographically separated parents. In such instances, attorneys, parties and the expert are expected to make reasonable accommodation to assure that the expert has received adequate information about all parents, guardians, or parties.

8. Expectation of Settlement: The evaluator, the parties, and the attorneys should make a good faith attempt to settle the disputes prior to the court hearing. Settlement efforts may include meet and confer conferences between the parties and counsel unless potential harm exists from this process.

9. Continuing Effort: The Court may ask the evaluator to continue to be available to the family to help resolve problems with the recommended and ordered plan.

10. Payment of the Evaluation: The Court will order payment of the evaluation at the time of the appointment. The evaluator may not withhold a report because of the parties' failure to pay. The evaluator may bring the issue of a parties' failure to pay to the Court. The evaluator is not required to commence the evaluation process until the payment ordered by the evaluator has been paid to the evaluator.

11. Provision of Reports: Pursuant to Family Code Section 3111 and California Rules of Court, Rule 5.220, the Evaluator shall provide his/her report to the Court at least ten (10) days prior to any hearing on or other action which is the subject of the report unless otherwise ordered by the Court. The Evaluator shall also provide a copy of the report to counsel for each party, who may provide a copy to that party, or if the party is self-represented, directly to the party and to appointed counsel for the child(ren). The evaluator shall further provide a copy of the report to the Families and Children's Bureau Alternative Dispute Resolution Services' Supervising Counselor. Neither the parties nor their attorneys shall show or provide copies of

the report to anyone other than an expert hired by a party in connection with the custody proceedings, the therapists for the minor children of the parties, or subsequent counsel for either party in connection with the custody proceedings.

12. Court Use of Report: Per Family Code §3111(a), the report of the private evaluator may be considered by the Court. Counsel for the parties and the parties are strongly urged to stipulate at the time that the private evaluator is appointed that the report will be admitted into evidence subject to cross examination and/or motion to strike all or part.

13. Child Custody Evaluation Complaint Process: The procedure for pursuing a complaint concerning the professional conduct of a court appointed child custody evaluator shall be as follows:

- A. A person having a complaint regarding the professional conduct of a court-connected or court-employed child custody evaluator may
 - (1) Register the complaint verbally or in writing with the Supervising Counselor. The Supervising Counselor will make a record of the complaint, and will respond to the complainant within three business days by telephone, if possible, or letter acknowledging receipt of the complaint.
 - (2) Within ten business days of receipt of the complaint, the Supervising Counselor will review the matter, confer with the child custody evaluator, and as appropriate, resolve the matter directly with the complainant. The Supervising Counselor will confirm the resolution of the matter with the complainant by calling or writing to the complainant with the results of his/her review and determination.
 - (3) Complainant may appeal the Supervising Counselor's action in writing to the Chief of the Families & Children's Bureau, who will, as appropriate, refer the complaint to the Bureau's Policy and Procedural Review Committee for review and recommended action. The Bureau Chief will acknowledge, in writing, receipt of the complaint within five business days of receipt.
 - (4) The Policy and Procedural Review Committee will review the complaint within the next 10 business days and make a recommendation for action to the Bureau Chief. The Bureau Chief will respond in writing to the complainant within the next 10 business days. The complainant may appeal the action of the Bureau Chief in writing, to the Court's Executive Officer who will rule in writing on the complaint within 15 business days.
- B. A person having a complaint regarding the professional conduct of a court appointed, private, non-court connected or non-employed child custody evaluator may:
 - (5) Contact the Chief of the Families & Children's Bureau in writing;
 - (6) The Chief of the Families & Children's Bureau who will inform the complainant that the Court has no authority to investigate complaints against private child custody evaluators and will inform the complainant regarding the process for registering complaints at the state licensing board level against private (i.e., non-court-connected or court- employed) child custody evaluators.

(Effective 5/19/98; Amended 1/1/04))

RULE 11.5 ENDANGERING CLIENTS

The child custody evaluator or mediator shall notify the Court at any time during their appointment of any situation which is immediately dangerous to any family member, litigant,

child, attorney, judge, or mental health professional involved in the case. This notification may occur **ex parte**. *(Effective 5/19/98; Amended 1/1/04)*

RULE 11.6 CONFIDENTIALITY OF MEDIATION AND EVALUATION COURT REPORTS IN FAMILY LAW ACTION

In any proceeding involving the custody or visitation of minor children, any written report or recommendation from the Families and Children's Bureau Alternative Dispute Resolution Services or from any person appointed by the Court to render a report shall be confidential and unavailable to any person except the Court, counsel for the child or children, the parties, their attorneys and any person to whom the Court expressly grants access by written order made with prior notice to all parties. No person who has access to a report shall make copies of it or disclose its contents to any child who is the subject of the report. *(Effective 5/19/98; Amended 1/1/04)*

RULE 11.7 SANCTIONS

If any attorney or any party fails to comply with the provisions of this Chapter 11 or if any party or any attorney fails to make a timely appearance at any hearing, settlement conference or trial, the Court may impose appropriate sanctions, against that party or attorney including but not limited to a summary determination of any contested issues, in accordance with the other party's papers filed in compliance with these rules, the assessment of attorney's fees and costs or taking appropriate calendar action in the Court's discretion. *(Effective 5/19/98)*

RULE 11.8 DEFAULT OR UNCONTESTED JUDGMENTS

Applications for uncontested or default judgments in family law matters may be made by personal appearance or by declaration pursuant to Family Code Section 2336. Persons wishing to present their application personally should request a hearing date from the Clerk's office in the applicable division of the Court. In some situations, the Court may deny a Section 2336 request and require a personal appearance.

1. Documents: If not previously filed, the documents listed below must be completed and presented to the court. When a default hearing is requested, they must be submitted to the court prior to a default hearing being set. With a submission by declaration, they must be presented to the Executive Officer/Clerk's office at the same time or not more than 45 days after the Request to Enter Default has been filed and a default entered, unless good cause is shown. If a Stipulated Judgment is being submitted, then an Appearance, Stipulation, and Waivers, signed by both parties, must be submitted instead of a Request to Enter Default.

A. If the matter is submitted by declaration without personal appearance, a Declaration for Default or Uncontested Dissolution must be completed and submitted.

B. Original and two copies of proposed Judgment together with one additional copy of the first page of the Judgment. The signature of any party not represented by an attorney on a Stipulated Judgment or an attached Marital Settlement Agreement must be acknowledged by a notary public.

C. Original and 2 copies of Notice of Entry Judgment form.

D. Letter size (9 3/4 x 4) stamped envelopes addressed to each of the parties in the action bearing the Executive Officer/Clerk's office address in the upper left corner.

E. An original and at least one copy of an Order/Notice to Withhold Income For Child Support if child is provided in the judgment, and an Earnings Assignment Order if spousal support is provided in the judgment (a conformed copy will be mailed with the notice of entry or judgment).

F. A current Income and Expense Declaration if: (a) support is to be ordered in the Judgment; (b) there are minor children; (c) jurisdiction over spousal support is to be terminated; or (d) the length of the marriage is ten years or more unless both parties are represented by attorneys and the parties have otherwise agreed in a Marital Settlement Agreement or Stipulation.

G. If the Judgment provides for the disposition of any property not listed in the Petition, a copy of any and all Schedules of Assets and Debts that were served as part of Petitioner's Preliminary or Final Disclosure Declaration.

H. If the Judgment provides for the division of community property and there is not stipulated judgment or Marital Settlement Agreement providing for such division, a Property Declaration verifying an equal division of community property.

I. Declarations Regarding Services of Declarations of Disclosure: If the case is uncontested, declaration of service must be filed for preliminary and final disclosures. If there has been a waiver (by declaration) of final disclosure, then proof of service of preliminary must be filed.

2. Contents of Judgment: The Judgment must comply with the following requirements:

A. The names and birth dates of all minor children must be listed. This may not be incorporated from the Marital Settlement Agreement. All judgments with containing provisions for child custody must include the information required in Family Code Section 3048(a). Child support must be either ordered in a specific amount or reserved. The commencing date for child support must be specified (the wording "commencing on the date the judgment is granted" is acceptable). If child support has been previously ordered in another action in this Court, then the wording "Child support shall be as ordered in case # (insert other case number)" may be used and the Judgment should also specify that the cases are ordered consolidated with the dissolution action as the lead case. The due dates for payment of child support as well as the ending dates must also be provided, and an Order/Notice to Withhold Income for Child Support must be ordered in accordance with Family Code section 5230 et seq. If the party receiving primary physical custody of any children is not represented by an attorney, one of the following forms must be filed: **Stipulation to Establish or Modify Child Support** (signed by both parties) or an **Income and Expense Declaration** (if provided only for the moving party, it must include that party's estimate of the other party's gross monthly income on page 1 of the form).

B. If either party is receiving a CalWorks or TANF grant or MediCal benefits for a child or children of the marriage, a signature consenting to the child support provision from an attorney for the Department of Child Support Services must be obtained on the Judgment.

C. Spousal support provisions must be set forth in the Judgment with beginning, ending, and due dates set forth. Incorporation from any Marital Settlement Agreement is not acceptable. A Wage and Earnings Assignment for Spousal Support may be ordered upon request.

D. The Judgment may not incorporate by reference any prior order of the court.

E. The Judgment must be in the language of an order, not an agreement. Waivers or stipulations, for example, are not appropriate in a Judgment.

F. Restoration of either party's prior name will be ordered only if that party requests or consents thereto.

(Effective 5/19/98; Amended 1/1/04)

RULE 11.9 CASE MANAGEMENT

1. GENERAL It is the policy of the Alameda County Superior Court to manage all Family Law cases in order to expedite the progress of the case, reduce the cost of litigation, and to focus on early resolution of the case through settlement.

2. CASE STATUS CONFERENCES

A. CALENDAR

- (1) Each Dissolution, Annulment, Legal Separation, or Uniform Parentage Act case in which a Response or Answer has been filed or in which an appearance has been made by both sides shall be set for a Preliminary Status Conference (PSC) upon the filing of an at-issue memorandum and proof that a Preliminary Declaration of Disclosure has been served by either party (except for Uniform Parentage Act cases).
- (2) On request of either party or on the Court's own motion, the Court may set any matter for PSC.
- (3) The Family Law Division or the courtroom clerk shall mail a notice of the PSC, together with an instruction sheet. The Family Law Division or the courtroom clerk may change the PSC date if it is in conflict with the calendar of counsel or an unrepresented party, provided that counsel or the party has obtained a convenient date from the other counsel or party prior to making the continuance request.

B. PURPOSE At the PSC, the Court will also review the status of the case, discovery plans, progress toward settlement, and outstanding unresolved issues. At this or at any subsequent Review Status Conference (RSC), the Court may:

- (1) Order a Settlement Conference with or without a trial date;
- (2) Set or reset the time of trials, settlement conferences, or hearings;
- (3) Limit, schedule, or expedite discovery upon stipulation of the parties;
- (4) Schedule disclosure of expert witnesses upon stipulation of the parties;
- (5) Bifurcate issues for trial upon stipulation of the parties;
- (6) Appoint court experts and allocate the expenses for the appointments, or schedule a hearing for appointments of court experts and the allocation of the expenses for the experts upon stipulation of the parties;
- (7) Appoint an attorney for a minor child upon stipulation of the parties or schedule a hearing on whether an attorney for a minor should be appointed and the allocation of costs for such attorney;
- (8) Make special references in accordance with the law;
- (9) Review case management options under Family Code §2451 with counsel and self represented parties;
- (10) Take such other actions as permitted by law which would tend to promote a just and efficient disposition of the case.
- (11) Schedule further Review Status Conferences as needed in the case.

C. APPEARANCES Unless excused by the Court, an appearance by counsel and any self-represented parties in the action, either in person, or by telephone, at any PSC or RSC is

mandatory unless all issues of the case have been fully resolved in writing or the case has been dismissed.

Either or both attorneys or parties may elect to appear by telephone at any PSC or RSC as set forth in these rules. If both parties are self-represented, appearance at the initial case management conference is mandatory and cannot be by telephone unless expressly ordered by the Court. An attorney or self-represented party who fails to attend or participate effectively in any PSC or RSC may be subject to sanctions. Parties represented by attorneys need not appear at the PSC or RSC, unless ordered by the Court to appear.

D. QUESTIONNAIRE At least 4 days before a PSC or RSC, each party shall file with the Court and serve on the other party a completed *Case Status Questionnaire* (CSQ), a copy of which is contained on pages 11-22 and 11-23. The CSQ shall be completed as fully as possible, in order to assist the Court in assessing what action is appropriate.

E. TELEPHONIC APPEARANCE In order to appear by telephone at a PSC or RSC, an attorney or party must complete a *Request For Telephone Appearance* form, a copy of which is contained on pages 11-24 and 11-25, and return the completed form to the Court between 6 and 10 court days before the scheduled conference. This form is in addition to the CSQ form required above. Any and all fees for appearing by telephone are the responsibility of the party requesting a telephonic appearance.

(Effective 1/1/04)

RULE 11.10 TITLE IV-D COMMISSIONER

1. The Title IV-D Commissioner shall act as a temporary judge unless an objection is made by the Department of Child Support Services or any other party, and the parties shall be so advised prior to the commencement of any hearing. If a party objects to the commissioner acting as a temporary judge, the commissioner may hear the matter and make findings of fact and a recommended order. If neither party objects to the recommended order, the judge of the department in which the matter would have been assigned had it not been a Title IV-D case shall ratify the order. If, after objecting to the commissioner acting as a temporary judge, either party files a written objection to the recommended order within 10 court days of the rendering of the recommended order or the recommended order is in error, the judge shall issue a temporary order and schedule a de novo review hearing within 10 court days of the filing of the objection.

2. All Title IVD cases shall be heard in the Rene C Davidson Courthouse Complex or the Hayward Hall of Justice. Cases originating in the Gale/Schenone Courthouse or in the Fremont Hall of Justice shall be transferred to the Hayward Hall of Justice for all purposes so long as the Department of Child Support Services is enforcing.

3. If the Department of Child Support Services or any other party objects to the Title IV-D Commissioner pursuant to Code of Civil Procedure Sections 170.6, the case shall be reassigned by the Presiding Judge of Family Law. If the Title IV-D Commissioner recuses him/herself, the case shall be transferred to the department in which another Title IV-D Commissioner is assigned. *(Effective 5/19/98; Amended 1/1/04)*

RULE 11.11 FAMILY LAW FACILITATOR

1. Pursuant to Family Code §§10000et seq., the County of Alameda shall maintain an office of the family law facilitator. Services provided by the office of the family law facilitator shall include, but are not limited to, the following:

- A.** Providing educational materials to parents concerning the process of establishing parentage and establishing, modifying and enforcing child and spousal support in the courts;
- B.** Distributing necessary court forms and voluntary declarations of paternity;
- C.** Provide assistance in completing forms;
- D.** Preparing support schedules based on statutory guidelines;
- E.** Providing referrals to local child support agency, Family Dispute Resolution Services, and other community agencies and resources that provide services for parents and children.

F. When a Family Law Information Center is established in Alameda County, the family law facilitator's office shall provide assistance on child support issues.

2. In addition, services provided by the office of the family law facilitator may include, but are not limited to, the following:

- A.** Meet with litigants to mediate issues of child support, spousal support and maintenance of health insurance;
 - B.** Drafting stipulations to include all issues agreed to by the parties;
 - C.** If the parties are unable to resolve the issues with the assistance of the family law facilitator, prior to or at the hearing, and at the request of the court, the family law facilitator shall review the paperwork, examine documents, prepare support schedules, and advise the judge whether or not the matter is ready to proceed;
 - D.** Assisting the clerk in maintaining records;
 - E.** Preparing formal orders consistent with the court's announced order in cases where both parties are unrepresented;
 - F.** Serving as special master in proceedings and making findings to the court unless he or she has served as a mediator in that case;
 - G.** Providing services specified in Section 10004 concerning the issues of child custody and visitation as they relate to calculating child support, if funding is provided for that purpose;
- 3.** If staff and resources are available and the duties listed in subdivision 2 above have been accomplished, the family law facilitator duties may also include the following:
- A.** Assisting the court with research and any other responsibilities which will enable the court to be responsive to the litigants' needs;
 - B.** Developing programs for bar and community outreach through day and evening programs, videotapes and other innovative means that will assist unrepresented and financially disadvantaged litigants in gaining meaningful access to the family court.

(Effective 5/19/98; Amended 1/1/04)

Local Rules of the Superior Court of California, County of Alameda

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME, ADDRESS, AND TELEPHONE NUMBER): ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
CASE STATUS QUESTIONNAIRE	
CASE NUMBER:	

PLEASE PRINT AND ANSWER ALL APPLICABLE QUESTIONS

Type of Proceeding: ☐ Trial ☐ Long Case Motion

☐ PRELIMINARY STATUS CONFERENCE (COMPLETE PART 1 ONLY)

☐ REVIEW STATUS CONFERENCE (COMPLETE PART 2 ONLY)

Part 1. PRELIMINARY STATUS CONFERENCE

1. Disputed Issues:

<input type="checkbox"/> Custody Visitation	<input type="checkbox"/> Child Support	<input type="checkbox"/> Spousal Support
<input type="checkbox"/> Contempt	<input type="checkbox"/> Property Characterization	<input type="checkbox"/> Arrearages
<input type="checkbox"/> Property Valuation	<input type="checkbox"/> Property Valuation Date	<input type="checkbox"/> Reimbursement
<input type="checkbox"/> Date of Separation	<input type="checkbox"/> Property Division	<input type="checkbox"/> Set-Aside
<input type="checkbox"/> Attorney's Fees & Costs	<input type="checkbox"/> Other: _____	

2. Discovery remaining:
 - a. Has a preliminary discovery plan been prepared and exchanged? ☐ Yes ☐ No
 - b. What discovery remains to be done? ☐ Interrogatories ☐ Depositions ☐ Document Production
 - c. State time estimate for the completion of discovery by both sides: _____

- d. Do you request: ☐ Discovery Master ☐ Case Management by third party? If yes please state reasons: _____

3. Do you request:
Bifurcation of issues? ☐ Yes ☐ No If yes please state issues: _____

4. Have parties and/or counsel met to discuss settlement: ☐ Yes ☐ No

5. Do you stipulate to case management as contemplated by Local Rule 11.9 2B and California Family Code Section 2450 Et. Seq.: ☐ Yes ☐ No

CASE NAME:

CASE NUMBER:

Part 2. REVIEW STATUS CONFERENCE

1. Have Preliminary Declarations of Disclosure been exchanged? ☐ Yes ☐ No
If not, is a deadline needed? ☐ Yes ☐ No
2. Discovery Completed? ☐ Yes ☐ No - Estimated completion date: _____
 - a. Request for further discovery? ☐ Yes ☐ No
3. Are you requesting that the case be set for trial? ☐ Yes ☐ No
4. Disputed Issues:

<input type="checkbox"/> Custody Visitation	<input type="checkbox"/> Child Support	<input type="checkbox"/> Spousal Support
<input type="checkbox"/> Contempt	<input type="checkbox"/> Property Characterization	<input type="checkbox"/> Arrearages
<input type="checkbox"/> Property Valuation	<input type="checkbox"/> Property Valuation Date	<input type="checkbox"/> Reimbursement
<input type="checkbox"/> Date of Separation	<input type="checkbox"/> Property Division	<input type="checkbox"/> Set-Aside
<input type="checkbox"/> Attorney's Fees & Costs	<input type="checkbox"/> Other: _____	
5. Due date for Final Declarations of Disclosure: _____
6. Estimated time for trial: _____ (Hours/Days)
7. Number of non-expert witnesses: _____ List: _____

8. Number of expert witnesses: _____ List: _____

9. Settlement discussion held: ☐ Yes ☐ No
If yes: How many? _____ How Long? _____
10. Likelihood of settlement without court assistance: _____%; With court assistance: _____%

Date: _____

Attorney for ☐ Petitioner ☐ Respondent ☐ Other
☐ Petitioner in Pro Per ☐ Respondent in Pro Per

CASE STATUS QUESTIONNAIRE

Page 2 of 2

Family Court of the State of California, County of Alameda - Family Court Local Form No. 001
(Adopted: 01/01/04)

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
FAMILY COURT
REQUEST FOR TELEPHONIC APPEARANCE TO STATUS CONFERENCE**

The parties listed below request a Telephonic Appearance to a Status Conference. A **CASE STATUS QUESTIONNAIRE** will be filed and served before the hearing in the following matter:

Case Name: _____

Case #: _____ Date: _____

Time: _____ Dept. #: _____

(Court Use Only)

Calendar #:

• • **List only the parties/counsel who will be participating by phone.**

PETITIONER Name: Address: City, State, Zip: <input type="checkbox"/> Attorney <input type="checkbox"/> Pro Per	Telephone:	Fax:
RESPONDENT Name: Address: City, State, Zip: <input type="checkbox"/> Attorney <input type="checkbox"/> Pro Per		
ATTORNEY FOR MINOR/OTHER Name: Address: City, State, Zip: <input type="checkbox"/> Attorney <input type="checkbox"/> Pro Per		

Date: _____

Signature of Party or Attorney for Party

INSTRUCTIONS

1. FAX this form to (510) 670-5687 for Depts. 507 and 516, (510) 670-5350 for Dept. 508; (510) 272-6154 for Dept. 14, (510) 891-8909 for Dept. 24; and (925) 803-7909 for Depts. 705 and 707.
2. A separate request for is required for each matter scheduled for the status calendar.
3. This form must be either delivered or fixed to the Family Calendar Office **no earlier than 10 working days nor later than 6 working days before the scheduled Status Conference.** Copies of this form must be served on all parties. All requests will be considered approved unless otherwise contacted.

REQUEST FOR TELEPHONIC APPEARANCE TO STATUS CONFERENCE

Page 1 of 2

Family Court of the State of California, County of Alameda - Family Court Local Form No. 002
(Adopted: 01/01/04)

4. No party may appear by telephone if a Case Status Questionnaire has not been filled and served by the time of the hearing.
5. This form must be filled out completely.
6. CONFERENCECALLSERVICE will contact the requesting parties to confirm their attendance on the conference call.
7. **Each party will be charged for their telephonic appearance on the calendar. Fee waivers do not apply for this service. Refer all billing inquiries to CONFERENCECALLSERVICE at 1-800-272-5663.**
8. If any party requests a continuance of the status conference after this form is received by the court and prior to the status conference, the party requesting the continuance is responsible for rescheduling the status conference. Additionally, the party requesting the continuance may be required by the court to pay telephonic appearance user fees incurred by the other parties. All charges must be approved by the court. The parties will notify CONFERENCECALLSERVICE of any continuances and settlements.
9. Parties who are in arrears for prior telephonic appearance fees may not appear by telephone until these amounts have been paid in full.
10. All instructions listed above must be followed. Any failure to comply may result in the denial of the request to appear by telephone or in sanctions.

REQUEST FOR TELEPHONIC APPEARANCE TO STATUS CONFERENCE

Page 2 of 2

Family Court of the State of California, County of Alameda - Family Court Local Form No. 002
(Adopted: 01/01/04)